

UNITED STATES DISTRICT COURT
for the
Western District of New York



In the Matter of the Search of
(Briefly describe the property to be searched or identify the person
by name and address.)

The search of the contents of the Skype account
"kiararose35", more particularly described in
Attachment A; and Paypal account associated with
identification number 1591680749736823435, name
Matthew Bower, and email account
evo5_mat@yahoo.com, more particularly described
in Attachment B.

Case No. 17-MJ- 4072

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Western District of New York (identify the person or describe property to be searched and give its location): The search of the contents of the Skype account "kiararose35", more particularly described in Attachment A; and Paypal account associated with identification number 1591680749736823435, name Matthew Bower, and email account evo5_mat@yahoo.com, more particularly described in Attachment B.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized): See Attachments A-1 and B-1 for the Items to be Seized, all of which are fruits, evidence and instrumentalities of violations of Title 18, United States Code, Sections 2251(a), 2252A(a)(2)(A), 2252A(a)(5)(B) and 2422(b), as set for in the attached affidavit, and all of which are more fully described in the application and affidavit filed in support of this warrant, the allegations of which are adopted and incorporated by reference as if fully set forth herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. §§ 2251(a), 2252A(a)(2)(A), 2252A(A)(5)(B) and 2422(b), and the application is based on these facts which are continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

BARRY W. COUCH, S/A, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/24/17

Judge's signature

City and state: Rochester, NY

Hon. Marian W. Payson, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A
PROPERTY TO BE SEARCHED

This warrant applies to information associated with the following account that is stored at the premises controlled by Microsoft Corporation, a company that accepts service of legal process of search warrants via their electronic Law Enforcement System. Microsoft Corporation is located at 1 Microsoft Way Redmond, WA 98052.

- 1. Skype account: kiararose35**

ATTACHMENT A-1
ITEMS TO BE SEARCHED FOR AND SEIZED

I. Information to be disclosed by Microsoft Corporation (the “Provider”)

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, including any messages, records, files, logs, or information that has been deleted but is still available to the Provider, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Provider is required to disclose the following information to the government for each account or identifier listed in Attachment A; from January 1, 2016, to the present:

- a. The contents of all messages sent to and from the account, including stored or preserved copies of messages sent to and from the account, draft messages, the source and destination addresses associated with each message, the date and time at which each message was sent, and the size and length of each message;
- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account numbers);
- c. The types of service utilized;
- d. All records or other information stored at any time by an individual using the account, including address books, contact and friend lists, pictures, videos and files; and
- e. All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

For the period of January 1, 2016, through the present, for the Skype account kiararose35, all information described above in Section I constituting evidence of and/or instrumentalities for violations of Title 18, United States Code, Sections 2251(a), 2252A(a)(2)(A), 2252A(a)(5)(B), and 2422(b) including the following matters:

- a. Images of child pornography and files containing images of child pornography;
- b. Records or correspondence pertaining to the possession, receipt, distribution or production of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256;
- c. Records, in whatever form, relating to the identity of the individual(s) owning, operating or utilizing the account.

ATTACHMENT B
PROPERTY TO BE SEARCHED

This warrant applies to information associated with the following account that is stored at the premises controlled by Paypal Inc, a company that accepts service of legal process of search warrants via their electronic Law Enforcement System. Paypal Inc is located at 2211 North First Street San Jose, CA 95131.

1. Paypal account associated with identification number 1591680749736823435, name Matthew Bower, and email account evo5_mat@yahoo.com

ATTACHMENT B-1
ITEMS TO BE SEARCHED FOR AND SEIZED

I. Information to be disclosed by Paypal Inc. (the "Provider")

To the extent that the information described in Attachment B is within the possession, custody, or control of the Provider, including any messages, records, files, logs, or information that has been deleted but is still available to the Provider, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Provider is required to disclose the following information to the government for each account or identifier listed in Attachment B; from January 1, 2016, to the present:

- a. The contents of all messages sent to and from the account, including stored or preserved copies of messages sent to and from the account, draft messages, the source and destination addresses associated with each message, the date and time at which each message was sent, and the size and length of each message;
- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account numbers);
- c. The types of service utilized;
- d. All records or other information stored at any time by an individual using the account, including address books, contact and friend lists, and files; and
- e. All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken.
- f. All payment transaction information, to include but not limited to, payer and payee information, dates of transactions, Paypal and financial accounts involved in transactions, email accounts involved in transactions, amounts of transactions, and IP logs for transactions.

II. Information to be seized by the government

For the period of January 1, 2016, through the present, for the Paypal account associated with identification number 1591680749736823435, name Matthew Bower, and email account evo5_mat@yahoo.com, all information described above in Section I constituting evidence of and/or instrumentalities for violations of Title 18, United States Code, Sections 2251(a), 2252A(a)(2)(A), 2252A(a)(5)(B), and 2422(b) including the following matters:

- a. Records of payments received or made by the account, including, but not limited to the dates, times, amounts, and sources of such payments;
- b. Records or correspondence pertaining to the sale, purchase, possession, receipt or production of visual depictions of minors engaged in sexually explicit conduct as defined by 18 U.S.C. Section 2256;
- c. Records, in whatever form, relating to the identity of the individual(s) owning, operating or utilizing the account.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

STATE OF NEW YORK)
COUNTY OF MONROE)
CITY OF ROCHESTER)

SS:

17-mj-4072

I, Barry W. Couch, being duly sworn, depose and say:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI). I have been a Special Agent for approximately eight years. I am currently assigned to the Buffalo Division, Rochester, New York, Resident Agency. My duties involve investigating federal crimes including violations of Title 18, United States Code, Sections 2251, 2252 and 2422.

2. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers, and the review of documents and records. This affidavit is made in support of an application for a search and seizure warrant permitting law enforcement to search:

- a. The contents of the Skype account "kiararose35", more particularly described in Attachment A below, and to seize items found therein as described in Attachment A-1 below; and
- b. The contents of the Paypal account with associated identification number 1591680749736823435, associated name Matthew Bower, and associated email account evo5_mat@yahoo.com, more particularly described in Attachment B below, and to seize items found therein as described in Attachment B-1 below.

3. As set forth in more detail below, there is probable cause to believe that evidence, contraband, fruits and instrumentalities of violations of Title 18, United States Code, Section 2251(a) (production of child pornography), Title 18, United States Code, Section 2252A(a)(2)(A) (receipt and distribution of child pornography), Title 18, United States Code, Section 2252A(a)(5)(B) (possession of child pornography), and Title 18, United States Code, Section 2422(b) (enticing a minor to engage in sexual activity for which any person can be charged with a criminal offense) are located within the above-described accounts.

4. Because this affidavit is being submitted for the limited purpose of establishing probable cause to secure search warrants, I have not included every detail of every aspect of the investigation. Rather, I have set forth facts that I believe are necessary to establish probable cause to believe that evidence of violations of Title 18, United States Code, Sections 2251(a), 2252A(a)(2)(A), 2252A(a)(5)(B), and 2422(b) are presently located within the accounts described in Paragraph 2 above and in Attachments A and B below. Unless specifically indicated, all conversations and statements described in this affidavit are related in substance and in part.

5. On March 27, 2017, Child Protective Services, Rochester, New York, advised the Monroe County Sheriff's Office that they received information that a 16 year old female residing in Monroe County, Cooperating Witness #1 (CW1), had disclosed that JENNIFER VIETOR had taken nude photographs of CW1 in order to sell them to a man, Subject #2

(S2), for money. The Monroe County Sheriff's Office then notified FBI Task Force Officer (TFO) Chris Toscano, who is a Monroe County Sheriff's Deputy and member of the FBI's Child Exploitation Task Force in Rochester.

6. On March 28, 2017, TFO Toscano and I interviewed CW1. CW1 is 16 years old and the interview took place at her school. CW1 reported that, beginning in the Summer of 2016, when she was 15 years old, and continuing through March 2017, JENNIFER VIETOR approached CW1 about taking nude photos of CW1 and selling them to S2 on the internet. CW1 agreed to participate. CW1 stated that between the Summer of 2016 and March 2017, VIETOR took several photos and videos of CW1 using VIETOR's Samsung cell phone to include photographs and videos depicting CW1 fully nude. One photograph or video depicted the placing of an object held by VIETOR, such as a "dildo" into CW1's vagina, as well as full nudity pictures of both CW1 and VIETOR together. CW1 said that approximately two weeks ago, in March 2017, VIETOR tried to get CW1 to take a live video for S2, and VIETOR offered CW1 money for it. CW1 refused, and CW1 said VIETOR "punished" CW1 for her refusal. CW1 said that VIETOR then had CW1 video VIETOR naked, lying on a bed touching VIETOR's vagina. CW1 said that VIETOR used VIETOR's Samsung cell phone to take the videos or photos and then proceeded to send them to S2 using Skype on the internet. Skype is an internet-based program accessible throughout the world that allows users to send and receive photos and videos. Skype, as well as the internet, are both facilities or means of interstate and foreign commerce. CW1 said VIETOR's Skype user name was something like "Kara" or "Kari".

7. CW1 said that VIETOR had also directed CW1 to use CW1's Samsung cell phone to take the naked pictures and videos. CW1 said that VIETOR had texted CW1 about needing to take the pictures. CW1 said that VIETOR had CW1 delete everything off CW1's phone and that she believed VIETOR had deleted everything off of VIETOR's phone.

8. CW1 reported that all of the above-described conduct, including the pictures and videos taken and distributed via the internet by VIETOR, occurred at a single residence in Monroe County, which has been identified by law enforcement.

9. On March 29, 2017, TFO Toscano and I interviewed JENNIFER VIETOR outside of her place of employment. SA Couch informed VIETOR, in sum and substance, that the FBI was aware VIETOR had been sending naked images of VIETOR and CW1 to someone on the internet (S2). When asked, VIETOR admitted that CW1's statements were, in sum and substance, correct, and that VIETOR had in fact participated in the activities disclosed by CW1. When asked how the activity started, VIETOR said CW1 was "curious" and indicated that CW1 saw VIETOR doing it one day and talked to VIETOR about it. VIETOR indicated that she had sent nude photographs of CW1 to S2 via the internet. VIETOR communicated that S2 was a "long time friend". VIETOR stated CW1 had a boyfriend and VIETOR figured it would be "the lesser of two evils". When asked, VIETOR acknowledged that one of the images or part of a video depicted VIETOR holding an object like a "dildo" inserted into CW1's vagina. VIETOR communicated the activity between her and CW1 was not sexual but was "staged". VIETOR said she did not still have the images

because she deleted them. When asked, VIETOR said she used her phone to create and distribute the images. VIETOR confirmed the images were sent over the internet using her phone on Skype. When asked, VIETOR said her Skype user name was “Kiara somthin”. Near the end of the interview, VIETOR stated “we made a mistake” and it “was a lack of judgement”. VIETOR did acknowledge S2 had given VIETOR money via PayPal for pictures of both VIETOR and CW1. During the interview with VIETOR, TFO Toscano and I seized VIETOR’s cell phone pursuant to a Monroe County Court search warrant.

10. Based upon your affiant’s training and experience in the investigation of child pornography cases, the above pictures and videos described by CW1 and VIETOR constitute child pornography, as defined by Title 18, United States Code, Section 2256(8).

11. Later on March 29, 2017, TFO Toscano and TFO Carlton Turner interviewed JENNIFER VIETOR again. During that interview, VIETOR stated she was using PayPal and Skype to interact and communicate with S2. VIETOR indicated her PayPal user name is alexis2519@hotmail.com and her Skype user name is “kiararose65”. VIETOR provided S2’s Skype account as “evo_mat5”. VIETOR indicated she knew S2 to go by the name Matthew Bower. PayPal is a worldwide online payments system that supports online money transfers and serves as an electronic alternative to traditional paper methods like checks and money orders. As stated above, Skype is an internet-based program accessible throughout the world that allows users to send and receive photos and videos. VIETOR indicated she

last spoke with S2 approximately two or three weeks prior to the March 29, 2017 interview. To date, S2 has not been identified by law enforcement.

12. On March 30, 2017, I conducted an extraction of the contents of VIETOR's cell phone referred to in paragraph 9 above. I observed there to be several explicit pictures and videos, possibly of CW1, to include some that would be considered child pornography if they actually depicted CW1, that were on or had been on the phone. The pictures and videos on VIETOR'S phone were associated with the "Kik" application. "Kik" is an instant messenger software application for mobile devices from the Canadian company Kik Interactive, which allows users to communicate and share photos and videos in interstate and foreign commerce. (Because Kik is a Canadian company, it is not amenable to service of process via search warrant and therefore is not included in the requested warrants in this case). During the extraction of VIETOR'S phone, I also observed there to be an apparent deleted "Contact" of "evo5_mat".

13. On April 5, 2017, I met with CW1 and showed her the pictures and some screenshots of the videos from VIETOR's phone referred to in paragraph 12 above. CW1 viewed each image and confirmed they all depicted her, (CW1), and were produced for VIETOR to give to S2. CW1 indicated she sent the pictures and videos to VIETOR using the Kik application, as described in paragraph 12 above. Based upon your affiant's training and experience in the investigation of child pornography cases, several of these pictures and

videos, constitute child pornography, as defined by Title 18, United States Code, Section 2256(8).

14. On April 18, 2017, I reviewed the phone extraction results referred to in paragraph 12 above and observed under the phone's "User Accounts" an apparent user name for Paypal listed as "alexis2519@hotmail.com". I also observed several references on the phone to an apparent username of "kiararose31" and "kiararose". I observed under the phone's "User Accounts" an apparent user name for the Kik application listed as "kiararose31" with an associated Kik ID of kiararose31_z9r@talk.kik.com and associated email address alexis2519@hotmail.com.

15. On or about April 28, 2017, I received search warrants to search several of the internet accounts listed above, including the Skype account "kiararose65", which was referenced by VIETOR. To date, I have not received a response from Skype.

16. On May 9, 2017, VIETOR was interviewed by members of law enforcement, including FBI TFO Carlton Turner and TFO Toscano. The interview took place at the United States Attorney's Office in the presence of VIETOR'S attorney, Mark Hosken, Esq. During the interview, VIETOR, informed TFOs Turner and Toscano that the Skype account "kiararose65" that she provided during her previous interview was not correct, and that she actually communicated with S2, as described above, using the Skype account "kiararose35".

In light of this new, corrected information from VIETOR, your affiant now seeks a search warrant related to the Skype account “kiararose35”.

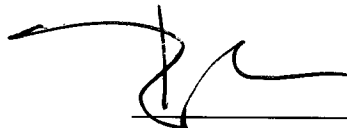
17. On April 28, 2017, I obtained a search warrant to search the contents of the Paypal account associated with alexis2519@hotmail.com. On May 2, 2017, I served that search warrant on Paypal. On May 18, 2017, and May 19, 2017, I received a response from Paypal and observed that from June 2016 to March 2017, the Paypal account associated with alexis2519@hotmail.com had received approximately 70 financial transactions totaling approximately \$3,800 from another Paypal account associated with identification number 1591680749736823435, name Matthew Bower, and email account evo5_mat@yahoo.com.

18. Based on the foregoing, there is probable cause to believe that the Skype account “kiararose35”, described above and in Attachment A below the Paypal account with associated identification number 1591680749736823435, associated name Matthew Bower, and associated email account evo5_mat@yahoo.com, described above and in Attachment B below, were utilized to produce, possess, purchase, and receive child pornography involving CW1, and that evidence of said crimes is presently located within the accounts as described in Attachments A and B below.

CONCLUSION

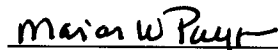
Based upon the forgoing, the undersigned respectfully submits that there is probable cause to believe that evidence, fruits and instrumentalities of violations of Title 18, United

States Code, Sections 2251(a), 2252A(a)(2)(A), 2252A(a)(5)(B), and 2422(b), as specifically described in Attachments A-1 and B-1 to this application, are presently located within the accounts described in Paragraph 2 above and in Attachments A and B below. The undersigned therefore respectfully now requests that the attached warrants be issued authorizing a search of the Skype account kiararose 35 named in Attachment A, and the seizure of items listed in Attachment A-1, from January 1, 2016 to the present, and the Paypal account with associated identification number 1591680749736823435, associated name Matthew Bower, and associated email account evo5_mat@yahoo.com, named in Attachment B, and the seizure of items listed in Attachment B-1, from January 1, 2016 to the present. Due to the ongoing nature of this investigation, and the possibility of seriously jeopardizing the effectiveness of the investigation if this information were made public, I request that the search and seizure warrant and this application be sealed for 60 days.



BARRY W. COUCH
Special Agent
Federal Bureau of Investigation

Subscribed to and sworn before me
this 24 day of May, 2017



HON. MARIAN W. PAYSON
United States Magistrate Judge

ATTACHMENT A
PROPERTY TO BE SEARCHED

This warrant applies to information associated with the following account that is stored at the premises controlled by Microsoft Corporation, a company that accepts service of legal process of search warrants via their electronic Law Enforcement System. Microsoft Corporation is located at 1 Microsoft Way Redmond, WA 98052.

1. **Skype account: kiararose35**

ATTACHMENT A-1
ITEMS TO BE SEARCHED FOR AND SEIZED

I. Information to be disclosed by Microsoft Corporation (the “Provider”)

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, including any messages, records, files, logs, or information that has been deleted but is still available to the Provider, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Provider is required to disclose the following information to the government for each account or identifier listed in Attachment A; from January 1, 2016, to the present:

- a. The contents of all messages sent to and from the account, including stored or preserved copies of messages sent to and from the account, draft messages, the source and destination addresses associated with each message, the date and time at which each message was sent, and the size and length of each message;
- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account numbers);
- c. The types of service utilized;
- d. All records or other information stored at any time by an individual using the account, including address books, contact and friend lists, pictures, videos and files; and
- e. All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

For the period of January 1, 2016, through the present, for the Skype account kiararose35, all information described above in Section I constituting evidence of and/or instrumentalities for violations of Title 18, United States Code, Sections 2251(a), 2252A(a)(2)(A), 2252A(a)(5)(B), and 2422(b) including the following matters:

- a. Images of child pornography and files containing images of child pornography;
- b. Records or correspondence pertaining to the possession, receipt, distribution or production of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256;
- c. Records, in whatever form, relating to the identity of the individual(s) owning, operating or utilizing the account.

ATTACHMENT B
PROPERTY TO BE SEARCHED

This warrant applies to information associated with the following account that is stored at the premises controlled by Paypal Inc, a company that accepts service of legal process of search warrants via their electronic Law Enforcement System. Paypal Inc is located at 2211 North First Street San Jose, CA 95131.

1. Paypal account associated with identification number 1591680749736823435, name Matthew Bower, and email account evo5_mat@yahoo.com

ATTACHMENT B-1
ITEMS TO BE SEARCHED FOR AND SEIZED

I. Information to be disclosed by Paypal Inc. (the "Provider")

To the extent that the information described in Attachment B is within the possession, custody, or control of the Provider, including any messages, records, files, logs, or information that has been deleted but is still available to the Provider, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Provider is required to disclose the following information to the government for each account or identifier listed in Attachment B; from January 1, 2016, to the present:

- a. The contents of all messages sent to and from the account, including stored or preserved copies of messages sent to and from the account, draft messages, the source and destination addresses associated with each message, the date and time at which each message was sent, and the size and length of each message;
- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account numbers);
- c. The types of service utilized;
- d. All records or other information stored at any time by an individual using the account, including address books, contact and friend lists, and files; and
- e. All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken.
- f. All payment transaction information, to include but not limited to, payer and payee information, dates of transactions, Paypal and financial accounts involved in transactions, email accounts involved in transactions, amounts of transactions, and IP logs for transactions.

II. Information to be seized by the government

For the period of January 1, 2016, through the present, for the Paypal account associated with identification number 1591680749736823435, name Matthew Bower, and email account evo5_mat@yahoo.com, all information described above in Section I constituting evidence of and/or instrumentalities for violations of Title 18, United States Code, Sections 2251(a), 2252A(a)(2)(A), 2252A(a)(5)(B), and 2422(b) including the following matters:

- a. Records of payments received or made by the account, including, but not limited to the dates, times, amounts, and sources of such payments;
- b. Records or correspondence pertaining to the sale, purchase, possession, receipt or production of visual depictions of minors engaged in sexually explicit conduct as defined by 18 U.S.C. Section 2256;
- c. Records, in whatever form, relating to the identity of the individual(s) owning, operating or utilizing the account.